

**ASSEMBLY BILL**

**No. 1177**

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**Introduced by Assembly Member Chan**

February 22, 2005

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An act to amend Section 52055.57 of, and to add Article 4.3 (commencing with Section 52060) to Chapter 6.1 of Part 28 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1177, as introduced, Chan. Smaller Learning Environment Grant Program.

(1) Existing law provides for a voluntary self-assessment process for local educational agencies that, under the federal No Child Left Behind Act of 2001, are in danger of being identified as program improvement local educational agencies or have failed to achieve adequate yearly progress for the first time, with certain requirements. Existing law provides additional funding to local educational agencies for schools identified as program improvement schools under the federal No Child Left Behind Act of 2001, with certain requirements.

This bill would establish the Smaller Learning Environment Grant Program, to be administered by the Superintendent of Public Instruction, to encourage the largest elementary, junior high, middle, and high schools to create smaller learning environments or schools within schools. The bill would authorize schools meeting specified criteria with respect to the federal No Child Left Behind Act of 2001 and with respect to school enrollment, to apply to participate and to receive a one-time incentive grant for the purpose of creating smaller learning environments, as specified. The bill would require a school, as a condition of receiving program funds, to submit a plan, approved

by the governing board of the school district at a regularly scheduled meeting, that describes the actions that will be taken to create smaller learning environments.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52055.57 of the Education Code is  
2 amended to read:

3 52055.57. (a) (1) Any provisions that are applicable to local  
4 educational agencies under this section are for the purpose of  
5 implementing federal requirements under the federal No Child  
6 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The  
7 satisfaction of these criteria by local educational agencies that  
8 choose to participate under this article ~~shall be~~ is a condition of  
9 receiving funds pursuant to this section.

10 (2) The department shall identify local educational agencies  
11 that are in danger of being identified within three to four years as  
12 program improvement local educational agencies under the  
13 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
14 et seq.), and shall notify those local educational agencies, in  
15 writing, of this status and provide those local educational  
16 agencies with research-based criteria to conduct a voluntary  
17 self-assessment.

18 (3) The self-assessment shall identify deficiencies within the  
19 operations of the local educational agency, and the programs and  
20 services of the local educational agency.

21 (4) A local educational agency identified pursuant to  
22 paragraph (1) is encouraged to revise its local educational agency  
23 plan based on the results of the self-assessment.

24 (5) The program described in this subdivision shall be referred  
25 to as the “Early Warning Program.”

26 (b) (1) If a local educational agency is at risk of being  
27 identified for program improvement within two years, the  
28 department shall invite that local educational agency to  
29 participate in the Prevention of Local Educational Agency  
30 Intervention Program, which is hereby created. A local

1 educational agency that elects to participate in this program shall  
2 do all of the following:

3 (A) Conduct a self-assessment using materials and criteria  
4 based on current research and provided by the department.

5 (B) No later than 30 days after a local educational agency  
6 elects to participate in the Prevention of Local Educational  
7 Agency Intervention Program, contract with a county office of  
8 education or another external entity after working with the  
9 county superintendent of schools, for all of the following  
10 purposes:

11 (i) Verifying the fundamental teaching and learning needs in  
12 the schools of that local educational agency as determined by a  
13 self-assessment, and identifying the specific academic problems  
14 of low-achieving pupils, including a determination of why the  
15 prior plan of the local educational agency failed to bring about  
16 increased pupil academic achievement.

17 (ii) Ensuring that the local educational agency receives  
18 intensive support and expertise to implement local educational  
19 agency reform initiatives in the revised local educational agency  
20 plan as required by the federal No Child Left Behind Act of 2001  
21 (20 U.S.C. Sec. 6301 et seq.).

22 (C) Revise and expeditiously implement the local educational  
23 agency plan of the local educational agency to reflect the  
24 findings of the verified self-assessment.

25 (2) Subject to the availability of funds in the annual Budget  
26 Act for this purpose, a participating local educational agency  
27 may annually receive funds based on the following schedule, for  
28 no more than three years, for the purpose of fulfilling the  
29 requirements of subparagraph (B) of paragraph (1):

30 (A) A local educational agency consisting of less than 20,000  
31 pupils may annually receive fifty thousand dollars (\$50,000).

32 (B) A local education agency consisting of greater than or  
33 equal to 20,000 pupils but less than 50,000 pupils may annually  
34 receive one hundred thousand dollars (\$100,000).

35 (C) A local educational agency consisting of greater than  
36 50,000 pupils may annually receive two hundred thousand  
37 dollars (\$200,000).

38 (3) If a local educational agency does not elect to participate in  
39 the Prevention of Local Educational Agency Intervention  
40 Program, the governing board of the local educational agency

1 shall hold a public hearing at a regularly scheduled meeting to  
2 discuss the reasons and rationale for not participating, and to  
3 explain the manner in which the local educational agency intends  
4 to address the needs of the district.

5 (c) (1) A local educational agency identified as a program  
6 improvement local educational agency under the federal No  
7 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) shall  
8 do all of the following:

9 (A) Conduct a self-assessment using materials and criteria  
10 based on current research and provided by the department.

11 (B) No later than 90 days after a local educational agency  
12 becomes identified for program improvement, contract with a  
13 county office of education or another external entity after  
14 working with the county superintendent of schools, for all of the  
15 following purposes:

16 (i) Verifying the fundamental teaching and learning needs in  
17 the schools of that local educational agency as determined by the  
18 local educational agency self-analysis, and identifying the  
19 specific academic problems of low-achieving pupils, including a  
20 determination of why the prior plan of the local educational  
21 agency failed to bring about increased pupil academic  
22 achievement.

23 (ii) Ensuring that the local educational agency receives  
24 intensive support and expertise to implement local educational  
25 agency reform initiatives in the revised local educational agency  
26 plan as required by the federal No Child Left Behind Act of 2001  
27 (20 U.S.C. Sec. 6301 et seq.).

28 (C) Revise and expeditiously implement the local educational  
29 agency plan of the local educational agency to reflect the  
30 findings of the verified self-assessment.

31 (D) After working with the county superintendent of schools  
32 or an external verifier, contract with an external provider to  
33 provide support and implement recommendations to assist the  
34 local educational agency in resolving shortcomings identified in  
35 the verified self-assessment.

36 (E) If the local educational agency elects to participate in the  
37 Prevention of Local Educational Agency Intervention Program  
38 pursuant to subdivision (b), the activities performed pursuant to  
39 subdivision (b) may serve as the foundation for the requirements  
40 of subparagraphs (A), (B), and (C).

1 (2) Subject to the availability of funds in the annual Budget  
2 Act for this purpose, a local educational agency participating in  
3 this program may annually receive fifty thousand dollars  
4 (\$50,000), and ten thousand dollars (\$10,000) for each school  
5 within the local educational agency, for no more than two years,  
6 for the purpose of fulfilling the requirements of this subdivision.

7 (3) (A) Subject to the availability of funds in the annual  
8 Budget Act for this purpose, if the governing board of a local  
9 educational agency participating in this program determines that  
10 it needs a grant to implement the recommendations of the county  
11 superintendent of schools or another external entity, the  
12 governing board may apply to the department for a supplemental  
13 grant not to exceed two million dollars (\$2,000,000). The  
14 application shall demonstrate the need for additional funding,  
15 beyond that currently available to the local educational agency.  
16 The department shall submit the request to the State Board of  
17 Education with a recommendation of approval or denial.

18 (B) The State Board of Education shall notify the requesting  
19 local educational agency of the decision. If the State Board of  
20 Education approves a grant of an amount less than that applied  
21 for, the local educational agency may accept or reject the grant.

22 (d) (1) A local educational agency that has been identified for  
23 corrective action under the federal No Child Left Behind Act of  
24 2001 (20 U.S.C. Sec. 6301 et seq.), and did not accept a  
25 supplemental grant pursuant to paragraph (3) of subdivision (c),  
26 shall be subject to one or more of the following sanctions as  
27 recommended by the Superintendent of Public Instruction and  
28 approved by the State Board of Education:

29 (A) Replacing local educational agency personnel who are  
30 relevant to the failure to make adequate yearly progress.

31 (B) Removing schools from the jurisdiction of the local  
32 educational agency and establishing alternative arrangements for  
33 the governance and supervision of those schools.

34 (C) Appointing, by the State Board of Education, a receiver or  
35 trustee, to administer the affairs of the local educational agency  
36 in place of the county superintendent of schools and the  
37 governing board.

38 (D) Abolishing or restructuring the local educational agency.

39 (E) Authorizing pupils to transfer from a school operated by  
40 the local educational agency to a higher-performing school

1 operated by another local educational agency, and providing  
2 those pupils with transportation to those schools, in conjunction  
3 with carrying out not less than one additional action described  
4 under this paragraph.

5 (F) Instituting and fully implementing a new curriculum that is  
6 based on state academic content and achievement standards,  
7 including providing appropriate professional development based  
8 on scientifically-based research for all relevant staff, that offers  
9 substantial promise of improving educational achievement for  
10 high-priority pupils.

11 (G) Deferring programmatic funds or reducing administrative  
12 funds.

13 (2) A local educational agency that has been identified for  
14 corrective action under the federal No Child Left Behind Act of  
15 2001 (20 U.S.C. Sec. 6301 et seq.) and accepted a supplemental  
16 grant pursuant to paragraph (3) of subdivision (c), shall be  
17 subject to one or more of the following sanctions as  
18 recommended by the Superintendent of Public Instruction and  
19 approved by the State Board of Education:

20 (A) Replacing local educational agency personnel who are  
21 relevant to the failure to make adequate yearly progress.

22 (B) Removing schools from the jurisdiction of the local  
23 educational agency and establishing alternative arrangements for  
24 public governance and supervision of those schools.

25 (C) Appointing, by the State Board of Education, a receiver or  
26 trustee to administer the affairs of the local educational agency in  
27 place of the county superintendent of schools and the governing  
28 board.

29 (D) Abolishing or restructuring the local educational agency.

30 (E) Authorizing pupils to transfer from a school operated by  
31 the local educational agency to a higher-performing school  
32 operated by another local educational agency, and providing  
33 those pupils with transportation to those schools, in conjunction  
34 with carrying out not less than one additional action described  
35 under this paragraph.

36 (3) In addition to the sanctions prescribed by paragraphs (1)  
37 and (2), the Superintendent of Public Instruction may  
38 recommend, and the State Board of Education may approve, the  
39 requirement that a local educational agency contract with a

1 district assistance and intervention team to aid a local educational  
2 agency.

3 (4) Subject to the availability of funds in the annual Budget  
4 Act for this purpose, if the State Board of Education requires a  
5 local educational agency to contract with a school assistance and  
6 intervention team pursuant to paragraph (3), the local educational  
7 agency may annually receive fifty thousand dollars (\$50,000),  
8 plus ten thousand dollars (\$10,000) for each school within the  
9 local educational agency, for no more than two years, for the  
10 purpose of contracting with and implementing the  
11 recommendations of the school assistance and intervention team.

12 (5) Not later than July 31, 2005, the Superintendent of Public  
13 Instruction shall develop and the State Board of Education shall  
14 approve, standards and criteria to be applied by a school  
15 assistance and intervention team in carrying out their duties. The  
16 standards and criteria shall include all of the following areas:

17 (A) Governance.

18 (B) Alignment of curriculum, instruction, and assessments to  
19 state standards.

20 (C) Fiscal operations.

21 (D) Parent and community involvement.

22 (E) Human resources.

23 (F) Data systems and achievement monitoring.

24 (G) Professional development.

25 (e) A local educational agency that has received a sanction  
26 under subdivision (d) and has not exited program improvement  
27 under the federal No Child Left Behind Act of 2001 (20 U.S.C.  
28 Sec. 6301 et seq.) shall appear before the State Board of  
29 Education within three years to review the progress of the local  
30 educational agency. Upon hearing testimony and reviewing  
31 written data from the local educational agency and the district  
32 assistance and intervention team or county superintendent of the  
33 schools, the Superintendent of Public Instruction shall  
34 recommend, and the State Board of Education may approve, an  
35 alternative sanction under subdivision (d), or may take any  
36 appropriate action.

37 (f) Subject to the availability of funds in the annual Budget  
38 Act for this purpose, a local educational agency that is not  
39 identified as a program improvement local educational agency  
40 under the federal No Child Left Behind Act of 2001 (20 U.S.C.

1 Sec. 6301 et seq.), that is not eligible to participate in the  
2 Prevention of Local Educational Agency Intervention Program,  
3 and that has ten or more schools in program improvement, or in  
4 which 55 percent or more of the schools are in program  
5 improvement, may annually receive up to fifteen thousand  
6 dollars (\$15,000) per school so identified for the purposes of  
7 supporting schools identified as program improvement schools in  
8 the local educational agency and determining barriers to  
9 improved pupil academic achievement. That local educational  
10 agency shall receive no less than forty thousand dollars (\$40,000)  
11 and no more than one million five hundred thousand dollars  
12 (\$1,500,000) for those purposes. The ~~superintendent~~  
13 *Superintendent* shall compile a list that ranks each local  
14 educational agency based on the number of, and percentage of,  
15 schools identified as program improvement schools and shall  
16 provide this funding to local educational agencies equally from  
17 each list until all funds appropriated for this purpose are depleted.  
18 These funds shall be provided for no more than three years.

19 (g) *A school within the jurisdiction of a local educational*  
20 *agency subject to this section also may receive funding for the*  
21 *purpose of creating smaller learning environments pursuant to*  
22 *Article 4.3 (commencing with Section 52060).*

23 (h) If there are more local educational agencies that qualify to  
24 receive funds under subdivisions (b), (c), (d), ~~and (f), and (g)~~  
25 than the amount appropriated for these purposes, the  
26 ~~superintendent~~ *Superintendent* may redirect funding for the  
27 purposes of subdivision (c).

28 ~~(h)~~

29 (i) For purposes of this article, “local educational agency”  
30 means a school district, county office of education, or charter  
31 school that elects to receive its funding directly pursuant to  
32 Section 47651, that provides public educational services to pupils  
33 in kindergarten or any of grades 1 to 12, inclusive.

34 ~~(i)~~

35 (j) For purposes of this section, a “stakeholder” is, but is not  
36 necessarily limited to, any of the following:

37 (1) A parent of a child attending a school within the  
38 jurisdiction of the local educational agency.

39 (2) A community partner of the local educational agency.



(3) An employee of the local educational agency, as selected by the bargaining unit.

~~(j)~~

(k) A local educational agency shall not receive funds pursuant to subdivision (b), (c), or (d) if they are initially identified for program improvement or prevention after July 1, 2009.

SEC. 2. Article 4.3 (commencing with Section 52060) is added to Chapter 6.1 of Part 28 of the Education Code, to read:

Article 4.3. Small Learning Environments

52060. (a) The Smaller Learning Environment Grant Program is hereby established to encourage the largest elementary, junior high, middle, and high schools to create smaller learning environments or schools within schools. This program is to be administered by the Superintendent. The goal of this program is to provide small learning environments that have no more than 600 pupils in each learning community. Participation in this program is voluntary, but is limited to schools that have been identified as subject to school improvement, corrective action, or restructuring pursuant to subsection (b) of Section 6316 of Title 20 of the United States Code, or as defined in the state's plan under paragraph (2) of subsection (b) of Title 20 of the United States Code.

(b) In order to be eligible for funds pursuant to this article, a school shall have enrollment as follows:

(1) For an elementary school, 2,000 pupils or more.

(2) For a junior high school or middle school, 3,000 pupils or more.

(3) For a high school, 3,800 pupils or more.

(b) Subject to the availability of funds in the annual Budget Act for this purpose, a school may apply for and receive a one-time incentive grant pursuant to this article for the purpose of creating smaller learning environments with no more than 600 pupils.

(c) As a condition of receiving funds pursuant to this article, a school shall submit to the Superintendent a plan, approved by the governing board of the school district at a regularly scheduled meeting, that describes the actions the school will take to create smaller learning environments. Specifically, the plan shall

1 address changes to the existing culture, structure, and instruction  
2 of the applicant school that will be applied in the smaller learning  
3 environments. The plan also shall address leadership for each  
4 smaller learning environment, which shall be limited to teachers  
5 or administrators from the applicant school.

6 (d) Strategies utilized by a school that receives funds pursuant  
7 to this article may include creating a school within a school,  
8 creating a career academy, restructuring the schoolday,  
9 developing a teacher advisory system, or other innovations  
10 designed to create a more personalized school experience for  
11 pupils and to improve pupil achievement and performance.

12 (e) The following amounts shall be available from any funds  
13 appropriated for the purposes of this article for planning and  
14 startup activities, with priority given to schools with the highest  
15 enrollment:

16 (1) Two hundred thousand dollars (\$200,000) for an  
17 elementary school.

18 (2) Two hundred fifty thousand dollars (\$250,000) for a junior  
19 high school or middle school.

20 (3) Three hundred thousand dollars (\$300,000) for a high  
21 school.

22 (f) A school may use funds received pursuant to this article  
23 for, among other things, the following:

24 (1) Paying the cost to reorganize the school.

25 (2) Professional development.

26 (3) Support services for pupils.

27 (4) Building partnerships with parents, chief business officers,  
28 or businesses.

29 (5) Establishing, operating, or using the services of an  
30 advisory board.

31 SEC. 3. This act is an urgency statute necessary for the  
32 immediate preservation of the public peace, health, or safety  
33 within the meaning of Article IV of the Constitution and shall go  
34 into immediate effect. The facts constituting the necessity are:

35 In order to improve the quality of the educational opportunities  
36 available to pupils enrolled in large schools at the earliest  
37 possible time, it is necessary that this act take effect immediately.